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JANUARY MEETING, 1913.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M.; the first Vice-President, Dr. GREEN, in the absence of the PRESIDENT, in the chair.

The record of the last meeting was read and approved; and the Librarian reported the list of donors to the Library since the last meeting.

The Cabinet-Keeper reported the gift of a gold medal struck by order of Congress, June, 1874, to commemorate the one hundredth anniversary of American independence, also a table belonging to and used by Thomas Jefferson at Monticello, from T. JEFFERSON COOLIDGE; of a photogravure of John Quincy Adams, after a painting by Copley in 1795, also heliotypes of Jonathan Boucher and Myles Cooper, from Mr. FORD; of a collection of paper money, from Mrs. George P. Sanger, of Boston; and of two photographs of the watch and seals used by Cotton Mather, from John Albree.

The Corresponding Secretary reported the receipt of a letter from Edwin Francis Gay accepting his election as a Resident Member of the Society.

Mr. MEAD read a paper on

THOMAS HOOKER'S FAREWELL SERMON IN ENGLAND.

At the meeting of the Society in April, 1910,¹ Mr. Ford communicated a letter from Mr. Frederick L. Gay of Brookline, in which, referring to a paper which I read at the meeting of the Society in June, 1907, upon John Cotton's farewell sermon to Winthrop's company at Southampton, he called attention to an allusion to that sermon in William Coddington's *Demonstration of True Love*. Mr. Coddington there refers to "John Cotton's sermon" in a way that clearly shows the sermon meant was the farewell sermon on "God's Promise to his Plantation"; and the refer-

¹ *Proceedings*, XLIII. 503.

THE DANGER OF DESERTION.

OR
A FARVELL SERMON

of Mr. *Thomas Hooker,*

Sometimes Minister of Gods Word at *Chains-*
ford in Essex ; but now of *New ENGLAND.*

Preached immediately before his departure
out of old ENGLAND.

TOGETHER,
WITH TEN PARTICVLAR
rules to be practised every day by
converted *Christians.*



LONDON,

Printed by G.M. for *George Edwards* in the
Old Baily in *Greene-Arbour*, at the Signe
of the *Angell.* 1641.

ences to this important sermon by so important a man on so important an occasion are so rare in our early literature, and the sermon itself had so largely dropped out of the knowledge or attention of later writers, that every such early reference is peculiarly valuable. Mr. Gay, whose loving and intelligent work as a collector of early works relating to New England is so well known, and who has especially earned our gratitude by his presentation to the American Antiquarian Society of a volume of records of the Council for New England, has recently placed in my hands a fine copy of the first edition of the farewell sermon of Thomas Hooker, preached immediately before his departure from England, published in London in 1641. This sermon is undoubtedly known to many members of the Society, two copies of the second edition being in our Boston Public Library; and more are familiar with its character as outlined in the biographies of Hooker. But most of us are not so familiar with this historic sermon as we ought to be; and as the various farewell utterances of our fathers before their departure from England possess high interest, I submit this study concerning the farewell sermon by Thomas Hooker, upon "The Danger of Desertion," as supplementing in some sort the paper which I submitted upon John Cotton's farewell sermon on "God's Promise to his Plantation." By "the danger of desertion" Hooker meant England's danger of being deserted by God.

In connection with this general subject of farewell sermons in England, I would refer to a statement in the article upon John White of Dorchester, in the *Dictionary of National Biography*. In speaking of the various movements to New England, the author of this article, Miss C. Fell Smith, says: "John Winthrop sailed in the *Arbella*, White holding a service on board before he sailed." I do not know upon what authority the writer makes this statement; but in the possibility that there may be some good authority unknown to me, I call attention to the reference as a starting-point for some investigation that may be fruitful. It is known that when the company which was to settle in our own Dorchester, the only company fully organized as a church before it left England, sailed from Plymouth, John White went from Dorchester to Plymouth and preached a sermon to the company. "They kept a solemn day

of fasting," says Roger Clap in his memoir, "in the New Hospital in Plymouth, in England, spending it in preaching and praying; where that worthy man of God, Mr. John White of Dorchester, in Dorset, was present, and preached unto us the word of God in the fore part of the day." This sermon by John White has not come down to us, although it is not impossible that it may yet sometime be discovered. It occurs to me that the writer in the *Dictionary of National Biography* may have confused this service at Plymouth with a service conducted by White on board the *Arbella*, or the latter with John Cotton's service at Southampton; but as to this I would not be confident. The reference is at any rate a provocative one.

In connection especially with Hooker, I would mention the fact of Mr. Gay's possession not only of the copy of the first edition of Hooker's farewell sermon, but also of a copy of the first edition of his first published work, *The Poor Doubting Christian Drawne unto Christ*, one of the three works only by Hooker which were published before he left England. I mention this copy of the first edition of Hooker's first book because it is so rare. Dr. J. Hammond Trumbull, in his paper upon Hooker's published works, in which he quoted Sabin's statement, "This, the earliest and most popular of Hooker's works, first appeared in a collection of sermons entitled *The Saints' Cordial*, attributed to Sibbs," said, "I have not seen this collection, nor can I find any mention of the edition of 1629 except in H. Stevens's catalogue and in Sabin, who copied it from Stevens." It is a copy of this first edition which Mr. Gay possesses, included in a collection of twenty-nine sermons, this being the twenty-third, published under the title of "*The Saints' Cordials. As they were delivered in sundry sermons upon speciall occasions in the Citie of London, and else-where. Published for the churches good.* London, Printed for Robert Dawlman dwelling at the Brazen-Serpent in Pauls Church-yard."¹ The names of the writers of the sermons are not given.

¹ The book was entered at Stationers Hall, April 2, 1629, with the title, *The Saints Cordials or A few legacies gathered together for, and left unto them in Divers Sermons.* Arber, *Stationers Registers*, iv. 176. Rev. Alexander Gordon, in his article on Sibbes in the *Dictionary of National Biography*, LII. 182, gives two early editions of *The Saints Cordials*, printed in 1629 and 1637, and continues: "this contains ten sermons by Sibbes, with fifteen others."

Most of the sermons have special title-pages; and although there is no date upon the general title-page, the special title-pages are all dated 1629. The sermon by Hooker, *The Poor Doubting Christian*, went to twelve editions in England before the close of the 17th century. The first American edition was printed in Boston in 1743, and contained an "Abstract of the author's Life," mostly taken from Mather, by Rev. Thomas Prince, a fact doubly noteworthy in view of the great general importance of the Prince Library to the student of Hooker's works. Of the two copies of the second edition of the farewell sermon, *The Danger of Desertion*, in the Boston Public Library, one is in the Prince collection; the other was added to the library, June 26, 1880, from the Townsend Fund.

At the front of the Prince copy are two manuscript notes by Prince which have distinct importance in this study. The first is the statement that Hooker's sermon is a farewell sermon "preached just before his leaving England in July, 1633." The second is the statement that "The Rule of the New Creature," included in the volume with *The Danger of Desertion*, is by Reyner. The natural implication of the title-page is that this work, like *The Danger of Desertion*, is by Hooker himself. The title-page reads as follows:

The Danger of Desertion: or A Farwell Sermon of Mr. Thomas Hooker, Sometimes Minister of Gods Word at Chainsford in Essex; but now of New England. Preached immediately before his departure out of old England. Together, With Ten Particular rules to be practised every day by converted Christians. London, Printed by G. M.¹ for George Edwards in the Old Baily in Greene-Arbour, at the Signe of the Angell, 1641.

The title at the head of the first printed page of the sermon is "Mr. Hookers Farwell Sermon, At his departure out of England."

The second edition was printed in the same year as the first, 1641.² The sixth edition of *The Poor Doubting Christian*

¹ Probably George Miller.

² The title-page of the second edition differs in the arrangement of lines and border:

The Danger / of / Desertion: / or / a Farwell Sermon / of Mr. Thomas Hooker, / sometimes / Minister of Gods Word at Chainsford in Essex; / but now of New England. / Preached immediately before his Departure out / of Old England. / Together / VVith

THE POORE DOVBTING CHRISTIAN DRAWNE VNTO CHRIST.

In One SERMON.

Wherein the maine letts and hindrances which keepe men
from comming to Christ are discovered and removed.

*Together with the helpe's and meanes which furthor Gods Children in
the obtaining of grace and faith, &c.*

Chiefly tending

To lay open the necessity and excellency of Christ, and the promises:

To empty us of selfe-confidence, and resting in our selves:

And to shew the weaknesse and insufficiency of all carnall props and
reasonings whatsoever.



VPRIGHTNES HATH BOLDNES.

ESAY 55. 1.

*Ho, every one that thirsteth, come ye to the waters, and he that hath no money, come
ye, buy and eate: yea come, buy wine and milke without money, and without price.*

LONDON,
Printed in the year 1629.

was also published in 1641 — both of which facts show the popularity of Hooker's works at that time. I may state at this point that there is in the Congregational Library, whose collection of our early literature altogether is so rich, a copy of the first edition of Hooker's farewell sermon, although without the title-page. That it is the first edition is undeniable. The identification is made definite by the fact that in the first edition the last page of the Hooker sermon bears as a headline the title of the Reyner part of the volume, "The Rule of the New Creature," which mistake is corrected in the second edition.¹ The library of our Society contains neither edition. Neither does the Boston Athenæum, nor the State Library, nor the library of the New England Historic-Genealogical Society. The Harvard University Library contains a copy of the first edition.

Were it not for Prince's note, the fact that the second work included in this little volume was not by Hooker himself might not easily have become known to the modern student; as the writings of Rev. Edward Reyner are among the last works to which most of us are likely to turn for the reading which would lead us to stumble upon the fact. The particular volume by Reyner, however, which enables one to verify Prince's statement may be found in the Boston Public Library. The volume is entitled "Precepts for Christian Practice; Or, the Rule of the New Creature. Containing Duties to be daily observed by every Beleever. By Edward Reyner, Minister of the Gospel in Lincoln. London, 1658." This edition in our Public Library is the "eleventh edition, enlarged." When the first edition appeared I do not know. The book is referred to in the article

Ten Particu-lar Rules to be practised every/day by converted Christians./ The second Edition./ London, /Printed for G. M. for George Edwards in the Old / Baily in Green-Arbour at the Signe of /the Angell. 1641. The work was evidently reset for the second edition, which contains twenty-eight pages only.

¹ In 1667 Samuel Greene, printer at Cambridge, New England, printed *The Rule of the New Creature, to be practised every Day*, of which no copy is known to exist. On this Evans has the following curious and misleading note: "First printed anonymously in London in 1644. The 'Second edition, corrected, enlarged, and now published according to order' in 1645, was entitled 'Precepts for Christian Practice, or, the Rule of the New Creature.'" He also mentions an edition printed in Boston, in 1682, *The Rule of a New Creature, to be practised every Day*, 8vo., pp. 15, but gives no location of a copy. On Greene's issue see 2 *Proceedings*, xi. 248.

on Edward Reyner, in the *Dictionary of National Biography*, as being published with a preface by Edmund Calamy, but the first edition there mentioned is the eighth edition, 1655. All that we need to know, however, is that the first edition appeared before 1641, in time to be incorporated, without the author's name, in this little volume containing Hooker's farewell sermon.¹ Reyner was born in 1600 and died in 1668. That he had some vogue among New England readers in the 17th century appears from the fact that his works on *Rules for the Government of the Tongue* (1656) and *Treatise of the Necessity of Humane Learning for a Gospel Preacher* (1663) appear in the catalogue of Increase Mather's library, although the work by him that now chiefly interests us does not there appear. The great changes which the work underwent from 1641, when it was incorporated in the Hooker volume, to 1658, when the enlarged eleventh edition appeared, are what first strike the reader of this eleventh edition; but comparison shows their common character and authorship.

Thomas Hooker's farewell sermon upon *The Danger of Desertion* is almost the antithesis of John Cotton's farewell sermon on *God's Promise to his Plantation*. Cotton's sermon is a message of prophecy, encouragement and hope, albeit mixed with warning; Hooker's sermon is a message of denunciation and foreboding and almost of despair. Its text is Jeremiah,

¹ In his "preface" to the eleventh edition of his *Precepts for Christian Practice* (1658), Reyner says: "Let mee give thee a short account of this my undertaking. About nineteen years ago, I handling that Text, Gal. 6. 16. *As many as walk according to this Rule, &c.*, delivered ten Rules for Christians, to walk by every day; which through Gods mercy and blessing then found acceptance with many. This occasioned my giving the heads thereof, in writing to many. Divers years after, I turning over a Sermon newly come forth under the name of that famous man of God Mr. Hooker (then in *New-England*, now in heaven) I found in the end thereof these my Rules affixed. Some years after that I heard they were printed alone, and that several times before I saw one of them. All this was done unknown to mee. But this I know, whosoever printed them, I preached them; as the Notes of my Sermon on that Text (which I have kept ever since) can give account.

"The Stationer (who had the Copy of these Rules,) intending to reprint them now the eleventh time, moved me to prefix my Name, and (if I pleased) to add something to them." This edition was "printed for T. N. and are to be sold by John Clark, at Mercers Chappell in Cheapside, near the Great Conduit, 1658."

It also contains a letter addressed "To the Reader," and signed Thomas Manton, in which the writer states: "When I first saw the *ground work* of it annexed to a Sermon of Mr. Hookers, I was much taken with it."

14, 9: "We are called by thy name, leave us not"; but the burden of the sermon is that God is leaving England, and this view is supported by a survey of the conditions in past periods and in other nations which had been left desolate, with stern impeachment of the conditions in England at that hour, and with solemn call to repentance.

May not God which destroyed Shilo, destroy thee O England? Goe to Bohemia, from thence to the Palatinate, and so to Denmarke. Imagine you were there, what shall you see, nothing else but as Travellers say, Churches made heaps of stones, and those Bethels wherin Gods name was called upon, are made defiled temples for Satan and superstition to raigne in? You cannot goe two or three steps, you shall see the heads of dead men, goe a little further, and you shall see their hearts picked out by the fowles of the ayre, whereupon you are ready to conclude that Tilly hath been there; Those Churches are become desolate, and why not England? (P. 5.)

I deale plainly with you, and tell you what God hath told me: I must tell you on pane of salvation, will you give eare and beleewe. I poore Embassador of God am sent to doe this message unto you, though I am low, yet my message is from above, he that sent me, grant that it may be beleewed for his sake. Suppose God hath told me this night that he will destroy England, and lay it waste, what say you brethren to it? It is my message that God bade me doe, he expects your answer, what sayeth thou oh England, I must returne an answer to my Master that sent me to night, why speake you not an answer? I must have one. Doe you like well of it, would you have England destroyed? (P. 14.)

God will say, be he a King that rules or raignes, yet as he hath rejected God, so God will reject him. He is a King of Kings, and Lord of Lords. (P. 13.)

God is packing up his Gospell, because no body will buy his wares, nor come to his price. Oh lay hands on God! and let him not goe out of your coasts, he is agoing, stop him, and let not thy God depart, lay siege against him with humble and hearty closing with him, suffer him not to say, as if that he were going, farewell, or fare ill England. God hath said he will doe this, and because that he hath said it, he will doe it, therefore prepare to meet thy God, O England! (P. 15.)

As it is said of Capernaum, so say I to England: Thou England which wast lifted up to heaven with meanes shalt be abased and brought downe to hell; for if the mighty works which have been done in thee had been done in India or Turkey, they would have repented

ere this; Therefore Capernaums place is Englands place, which is the most insufferablest torment of all; and marke what I say, the poore native Turks and Infidels shall have a cooler summer parlour in hell then you; for we stand at a high rate, we were highly exalted, therefore shall our torments be the more to beare. The Lord write these things in our hearts with the finger of his owne Spirit for his Christs sake, under whom we are all covered. (P. 20.)

The last passage which I have read is the last passage in the sermon. This was Thomas Hooker's farewell to England. To understand the situation in England, we must remember that this was the time of Sir John Eliot's remonstrance against Charles's revival of monopolies and his new acts of tyranny, of the beginning of his eleven years' rule without Parliament, and the beginning of the domination of Wentworth and of Laud. This upon the assumption of Hooker's biographer, Dr. George Leon Walker, that the sermon was preached when Hooker was compelled by Laud to lay down his lectureship at Chelmsford and retire to Little Baddow, at the end of 1629 or the beginning of 1630, a little before he left England for Holland. If Thomas Prince's note is correct, and it was preached in July, 1633, just before his leaving England for New England, the situation was of much the same character, only worse.

The most important reference to Hooker's farewell sermon in our early literature is that by Cotton Mather in his life of Hooker in the *Magnalia*. This account comes at the point in the narrative where Hooker is leaving England for New England, and the natural inference is that Mather understood that the sermon was preached at that time. There is, however, a reference farther on to a sermon preached by Hooker at Chelmsford, which I think should have notice in this connection. Mather here speaks of one who, having "observed the Heroical Spirit and Courage with which this Great Man fulfilled his Ministry, gave this Account of him, *He was a Person who while doing his Master's Work, would put a King in his Pocket,*" and adds:

Of this there was an Instance, when the Judges were in their Circuit, present at *Chelmsford*, on a Fast kept throughout the Nation, Mr. *Hooker* then, in the presence of the Judges, and before a vast Congregation, declared freely the Sins of *England*, and the Plagues that would come for such Sins; and in his Prayer he be-

sought the God of Heaven, to set on the Heart of the King, what his own Mouth had spoken, in the Second Chapter of *Malachy*, and the Eleventh and Twelfth verses, [in his Prayer he so distinctly quoted it!] *An abomination is committed, Judah hath married the Daughter of a strange God, the Lord will cut off the Man that doeth this.* Though the Judges turned unto the place thus quoted, yet Mr. *Hooker* came into no trouble; but it was not long before the Kingdom did.

Nothing is here said about this sermon being Mr. Hooker's farewell sermon; but the description applies exactly to the farewell sermon, and the prayer reflecting on the King is one that well matches in sentiment a certain passage in that sermon itself, making such a prayer a natural accompaniment. That this may have been the farewell sermon is merely a surmise, upon the ground indicated; but if the ground has any importance, it confirms the supposition that the sermon was preached as Hooker gave up his ministry at Chelmsford a little before leaving England for Holland, instead of when, three or four years later, he left England for New England. It would have been difficult for him to preach to any considerable congregation, or in any very public way, during the brief time that he was in England in 1633, returning there from Holland to prepare for his sailing for New England; for he was at that time under very strict surveillance. "Returning into *England*," says Mather, "in order to a further Voyage, he was quickly scented by the Pursevants." Here Mather relates the incident of Hooker's secretion by Rev. Samuel Stone, who was to come with him to New England as an assistant, which incident it has been conjectured may have been connected with Mr. Stone's family home at Hertford. Mather adds, "Mr. Hooker concealed himself more carefully and securely, till he went on Board, at the *Downs*, in the year 1633, the Ship which brought him, and Mr. *Cotton*, and Mr. *Stone*, to *New England*; Where none but Mr. *Stone* was owned for a Preacher, at their first coming aboard; the other two delaying to take their Turns in the Publick Worship of the Ship, till they were got so far into the Main Ocean, that they might with Safety, discover who they were."

All this indicates a situation in England as concerns Hooker which makes any conspicuous preaching by him there at that

time unlikely; although we have Prince's definite statement that the sermon was preached at that time and Mather's reference to it at a place in his account which implies the same. The special passage in Mather concerning the sermon is as follows:

Amongst Mr. *Fenner's* Works, I find some imperfect and shattered, and I believe, Injurious Notes of a *Farewel Sermon* upon Jer. 14. 9, *We are called by thy Name, leave us not: Which Farewel Sermon* was indeed, Mr. *Hooker's*, at his leaving of *England*. There are in those *Fragments* of a Sermon, some very *Pathetical* and most *Prophetical* passages, where some are these:

It is not Gold and Prosperity which makes God to be our God; there is more Gold in the West-Indies than there is in all Christendom; but it is God's Ordinances in the Vertue of them, that show the Presence of God.

Again, *Is not England ripe? Is she not weary of God? Nay, she is fed fat for the slaughter.*

Once more, *England hath seen her best Days, and now evil Days are befalling us.*

And, *Thou, England, which hast been lifted up to Heaven with Means, shall be abased and brought down to Hell; for if the mighty Works which have been done in thee, had been done in India or Turkey they would have repented ere this.*

These Passages I quote, that I may the more effectually describe the Apprehensions with which this worthy Man took his *Farewel* of his Native Country.

But there is one strange Passage in that Sermon, that I know not what well to *think* of; and yet it is to be *thought* of. I remember, 'tis a passage in the Life of the Reverend Old *Blackerby*, who died in the year 1648, 'That he would often say it was very probable the *English* Nation would be sorely punished by the *French*; And that he believed *Popery* would come in, but it would not last, nor could it recover its former Strength.'¹ The notable Fulfilment which that Passage hath seen, would carry one to consider the unaccountable Words which Our *Hooker* uttered in his *Farewel Sermon*. 'Tis very likely that the Scribe has all along wronged the Sermon; but the Words now referred unto, are of this Purport, *That it had been told him from God, That God will destroy England, and lay it wast; and that the People should be put unto the Sword, and the Temples burnt, and many Houses laid in Ashes.* Long after this, when he lived in *Hartford* in *New-England*, his Friends that heard that Ser-

¹ Richard Blackerby (1574-1648), who printed nothing of his writings.

mon, having the News of the Miseries upon *England*, by the civil Wars, brought unto them, enquired of him, *Whether this were not the time of God's destroying England, whereof he had spoken?* He replied, *No; this is not the time; there will be a time of respite after these Wars, and a time wherein God will further try England; and England will further sin against him, and shew an Antipathy against the Government of the Lord Jesus Christ in his Church; his Royal Power in the Governing thereof will be denied and rejected. There will therefore a time come, when the Lord Jesus Christ will plead his own, and his own Cause, and the Cause of them who have suffered for their Fidelity to her Institutions; He will plead it in a more dreadful way, and break the Nation of England in pieces, like a Potters Vessel. Then a Man shall be precious as the Gold of Ophir; but a small Remnant shall be left; And afterward God will raise up Churches to himself, after his own Heart, in his own time and way.* God knows, what there may be in this Prediction.¹

Mather's reference to Mr. Fenner and his "imperfect, shattered, and injurious notes" has led me to look up the works of that once revered and popular but now forgotten Puritan divine. William Fenner was born in 1600 and died in 1640; and such was the hunger for his sermons and sundry theological treatises that, besides the apparently large circulation of some of them separately, in 1657, seventeen years after his death, a collected edition of them was published in London in a great folio of more than 1200 pages. A collected edition of some sort had also been published half a dozen years before. There is in the great 1657 volume which I have examined a "Treatise of the Affections," a "Treatise of Conscience," "Christ's Alarm to Drowsie Saints," a "Second Part of Christ's Alarm to Drowsie Saints," etc.; and, what chiefly interests us here, there are

¹ *Magnalia*, Book III. 62. Increase Mather in his *Ichabod*, printed at Boston in 1702, using the *Magnalia* notes, a copy of which reached Boston only in October of that year, wrote in his preface, dated November 14, 1701: "I have often wondred at some very surprizing Passages which are in our Renowned *Hookers* Sermon, on *Jer. 14. 9.* which was the last that he Preached in *England.* . . . Thus speaks that Man of God. I find that this Sermon of his is by a mistake, Published amongst Mr. *Fenners* works, as if it had been Preached by him. Probably, the Booksellers might find it in Mr. *Fenners* Study amongst his Manuscripts, and so sent it abroad into the world under his Name. Reverend Mr. *Higginson* (the most Aged Minister now living in *New-England*) was well acquainted with Mr. *Hooker*, as having been Educated under him, and he assures me, That after Mr. *Hooker* had been many Years Pastor of *Hartford*, some of his intimate friends enquired of him, whether he did not apprehend," etc.

"XXIX Choice Sermons on severall Texts of Scripture," the nineteenth of which has the following title-page — most of the works having separate title-pages:— "The Signes of Gods forsaking a People. Preached by that laborious and faithful Messenger of Christ, William Fenner, Sometimes Fellow of Pembroke Hall in Cambridge, and late Minister of Rochford in Essex. London, Printed by E. T.¹ for John Stafford." Rochford in Essex is only about twenty miles from Chelmsford in Essex, where Hooker preached. We find that Fenner was presented to the living of Rochford in 1629 and labored there until his death. He therefore came into Hooker's neighborhood at the very moment when Hooker was creating the greatest stir in Essex and lived there until the year before Hooker's farewell sermon was printed in London.

This sermon on "The Signes of Gods forsaking a People," published as Fenner's, is almost a repetition of Hooker's *Danger of Desertion*, with the same text, the same course of thought, and for the most part the same words from beginning to end. The nature of the variations I shall speak of. The whole thing is apparently a gross piece of plagiarism; although the possibility remains, since this collection of Fenner's works was published long after his death, that the sermon, found among his remains, was mistakenly printed as his by his editors, he being in no way responsible. I am constrained to say that comparison of the two texts does not reinforce this view. At any rate, this is clearly the basis of Mather's remarks upon the "imperfect, shattered and injurious notes of a farewell sermon, which farewell sermon was indeed Mr. Hooker's."

There is a copy of this 1657 edition of William Fenner's complete works in the Congregational Library, without the general title-page; and there is a complete copy in the Boston Public Library. This copy is of peculiar interest. It belonged to Increase Mather, and contains his autograph on the title-page and on the fly-leaf at the end, the first autograph being accompanied by the date, 1660, which was three years after the publication of the volume. The title of this volume is included in the catalogue of Increase Mather's library, preserved in the Public Library, and recently published by Mr. Tuttle in his painstaking paper upon the Mather Library, printed in the

¹ E. Tyler.

Proceedings of the American Antiquarian Society. It came later into the possession of Mather Byles, and it was presented to the Public Library by Richard C. Humphreys. Upon the special title-page of the sermon upon "The Signes of Gods forsaking a People" in this volume is the note, written by Cotton Mather, "This sermon said to be Mr. *Hooker's*. See *Hooker's Life* in Dr. Cotton Mather's *Magnalia*."

I run the risk of wearying you with this detail concerning this volume, because I wish to add that it seems to me certain that it was the very copy which Cotton Mather had at hand when he was writing about Mr. Fenner's "injurious notes." There was no copy of Fenner among the books from Cotton Mather's own library purchased by Isaiah Thomas for the American Antiquarian Society, nor for that matter any of Hooker's works; although in the Increase Mather list there are several volumes of Hooker, but not the farewell sermon upon *The Danger of Desertion*.

It is a duty to say, in view of Mather's impeachment and the fact that Hooker's sermon in substance is included among Fenner's sermons as his own, with no credit whatever to Hooker, that Fenner's general credentials are the highest. The various sections of the great 1657 volume are preceded by manifold "Epistles to the Reader" by dignified religious teachers. One of them, declaring that to praise Fenner was like praising Hercules, whom no man ever dispraised, and that should all men be silent stones would speak for him, is signed by six names, Simeon Ash, William Taylor, Matthew Poole, John Jackson, John Seabrooke, and Edmund Calamy; and Calamy writes various other introductions, paying tribute to Fenner as "a burning and shining light," praising his "unwearisome pains in preaching," his "learning" and his "exemplary piety." There are three separate prefatory epistles to the collection of "XXIX Choice Sermons" itself, one by Thomas Goodwin, one by Joseph Caryl and one again by Calamy, who in this place speaks of Fenner as "so deservedly famous in the Church of God, and so well knowne unto me in particular, and one to whom I was so much obliged, when he was living." One of the prefatory notes states that many of the sermons had already been published in several volumes, although some were never printed before. It may here be said that Fenner began publish-

ing his sermons as early at least as 1626, one of that date appearing in the 1657 volume, although not among the Twenty-nine Choice Sermons. There is an elaborate index or summary of the contents of the Twenty-nine Sermons, extending to thirty-two pages, the summary of "The Signes of Gods forsaking a People" falling into its regular place with the rest; and curiously there is before this collection "The Authors Preface upon these ensuing Sermons." No definite inference, however, as to how long before his death, which was seventeen years before the publication of this 1657 volume, Fenner wrote this preface, or how many of the "ensuing sermons" it then covered, can safely be drawn. Its subject-matter relates simply to the first sermon in the collection, upon "Divine Meditation."

We are here interested in William Fenner only in so far as anything in his life and works throws light upon the inclusion among his published sermons of the sermon which, as Mather says, "was indeed Mr. Hooker's, at his leaving of England." Those caring to learn more of him may turn to the *Lives of the Puritans* by Benjamin Brook, who says that "he was much resorted to as a casuist and much admired by some of the nobility." Concerning Dudley Fenner, the Puritan divine of the preceding generation, who fills a larger place in the old records, Brook says of a certain work attributed to him that this work, though having Dudley Fenner's name prefixed, is by Dr. William Fulke. "The Signes of Gods forsaking a People," though having William Fenner's name prefixed, is indeed by Thomas Hooker.

How slight the variations are in the two texts will sufficiently appear from two or three brief passages. Take the sermon's opening words:

Hooker — Two things are intended and expressed by the Holy-ghost, from the 1. verse, to the thirteenth. First, a denuntiation of judgement, and that reacheth to the 17. verse, and that is sword and famine. First, he would send the famine, and then the sword, and would not be intreated. Secondly, in

Fenner — Two things (Brethren and beloved in Christ Jesus) are intended and expressed by the holy Prophet, from the first verse to the 13. verse. There is first a denomination of a judgement, and that is dearth or famine from the first verse, to the seventh. Secondly, the sword is threatened to the thirteenth

the 8. verse, we have the importunate prayer of the Church, to turne away these judgements; and the prayer is marvellous sweet, partly in confession, where they confesse their sinnes, and seeke to God for succour against them: As if they should say, Loe we are as base as base can be, and therefore help for the Lords sake, and thus they make their supplication in the 7. and 8. verses, and this short prayer discovers it selfe, partly in the things prayed for, and partly in the manner, and the holy Prophet intending this is very sweet in it. First, they pray that God will not take away his presence from them, Why stayest thou but a night? As if he should say, it is marvellous strange, that thou behavest thy selfe as a stranger.

verse; he will send the famine, then the sword, and he will not be intreated. Then in the eighth and ninth verses, we have the importunate prayer of the Church to turne away these judgements: And the praier is marvellous sweet, in confession, where they confesse their sinnes, and seek to God for succour. First, they desire God that he would not take his providence from them, why stayest thou but for a night? verse the 8. as if they should have said, it is marvellous strange that thou behavest thy self so like a stranger;

The following illustrates the manner of introducing a special section by a question:

Hooker — What if a man want preaching, may not he want it, and yet goe to Heaven?

Fenner — May not a man be saved without preaching?

The following additional passage will suffice:

Hooker — Pranke not up your selves with foolish imaginations, as who dare come to England, the Spaniards have enough, the French are too weake: be not deceived, who thought Ierusalem the Lady of Kingdomes, whither the Tribes went to worship, should become a heap of stones, a vagabond people, and why not England?

Fenner — Pranke not then your selves with foolish imaginations, saying who dare come to hurt England? the Spaniard hath his hands full, and the French are too weak. But beloved be not deluded; who would have thought that Jerusalem the Lady City of all Nations, whither the tribes went up to worship, should become a

heap of stones and a vagabond people? but yet you see it was, and is to this day; and I pray, why may it not be England's case?

Even of *The Danger of Desertion* as published in 1641 with Hooker's name, Dr. Walker's judgment is that it was "probably printed from imperfect notes." If this be true, they were not the same "imperfect and injurious notes" which Mather characterizes the publication in Fenner's works. The curious thing is that the passages which Mather quotes in a way which implies that he is quoting from the Fenner version conform much more closely, although not exactly, to the 1641 text published with Hooker's name than to the other. The inference is that, as is indeed most likely of such a lover and student of Hooker as Mather was, he had the 1641 text also before him, perhaps viewing both as fragmentary reports, and quoted somewhat indiscriminately, while expressing his condemnation of the Fenner publication.

The dates in this study need to be kept clearly in mind. Fenner died in 1640, six years after Hooker left England for New England and one year before the publication in London of Hooker's farewell sermon as such, with Hooker's name. Hooker died at Hartford in 1647; and the publication of the sermon with another title as Fenner's in the latter's collected works was in 1657, seventeen years after Fenner's death. Fenner himself would never have published Hooker's sermon as his own; and even if the publication had occurred a dozen years before it did, Hooker would have known of it. If it were plagiarism, it was plagiarism for preaching, not for printing. The wonder is that Fenner's editors, an eminent and learned set of Puritans, surely great readers of sermons and surely familiar with Hooker's works, should not have seen what Cotton Mather saw. How Fenner got his notes, or whether the manuscript from which he drew was the same used for the 1641 Hooker volume the year after Fenner's death, we are not likely to learn.

That the 1641 volume was in any way disapproved or criticised by Hooker himself is most unlikely, even if he did not himself furnish the text for publication by his friends in Eng-

land. He lived for six years after its publication, and copies of a work of such historical importance in connection with his life must have been common in his circle in Hartford. The statement by Mather that his friends in Hartford who heard the sermon talked with him about it certainly goes to confirm the supposition that it was preached at the close of his ministry in Chelmsford before his departure for Holland; for it was from that region that his friends in Hartford came, and we have no certain knowledge that he went back there in 1633, when indeed most of his "company" had already gone to New England.

The "Epistle to the Reader" which prefaces *The Danger of Desertion* is for readers in England, giving certain simple information unnecessary in New England concerning the author of the sermon, whose voice had then not been heard in England itself for more than ten years, paying tribute to his "solid judgement, acute wit, strong memory, honest heart, pious disposition, and utter detestation, as of prophanesse, so of superstition," which forced him and many of his brethren like him "to leave old England to enjoy the freedome of their tender consciences . . . to enjoy a greater liberty to themselves than here they could"; although the writer pronounces them not "like many rigid Separatists" who account the Church of England "to be no Church, and her Ministers to be no Ministers."

The publication in England of other works by Hooker was in a form and manner which was afterwards subjected to sharp criticism by Hooker's friends. In 1657, the same year that the complete edition of Fenner appeared, ten years after Hooker's death at Hartford, there was published in London, with a prefatory epistle by Thomas Goodwin and Philip Nye, Hooker's "The Application of Redemption, The Ninth and Tenth Books." In their preface the editors say:

There hath been published long since many parts and pieces of this author; upon this argument, sermon-wise preached by him here in England (which in the preaching of them did enlighten all those parts), yet having been taken by an unskilful hand, which upon his recess into those remote parts of the world was bold without his privity or consent to print and publish them (one of the greatest injuries which can be done to any man) it came to pass his genuine meaning, and this in points of so high a nature, and in some things

differing from the common opinion, was diverted in those printed sermons from the fair and clear draught of his own notions and intentions, because so utterly deformed and misrepresented in multitudes of passages, and in the rest put imperfectly and crudely forth.

This particular work, we are told on the title-page, was "printed from the author's papers, written with his own hand, and attested to be such, in an Epistle." The prefatory address in *The Equall Wayes of God*, published in 1632,¹ is signed T. H., showing the authorization by Hooker. But *The Soules Preparation for Christ*, published the same year — this was while Hooker was in Holland² — was prepared for the press by others, by reason of the author's absence, as we are informed in a prefatory note. Whether *The Danger of Desertion* was printed from Hooker's own notes or another's we have no means of knowing.

John Cotton's farewell sermon was a farewell to a company leaving England while he for a time remained behind. Thomas Hooker's farewell sermon was a farewell as he himself was leaving England. Their final farewells to England were alike silent and secret farewells, as both, sailing together in the same ship for Boston in 1633, anxiously concealed their departure from the public. The original plan had been to associate them here; but it was afterwards thought, as Mather says, that "a couple of such great men might be more serviceable asunder than together." Cotton stayed in Boston. Hooker went to Newtown, our Cambridge, where groups of settlers who for a year had been coming over from Chelmsford, Braintree, and Colchester, and the regions round about, in Essex, and were commonly spoken of here as "Mr. Hooker's company," and first settling chiefly at Wollaston, had already erected a "house for public worship" and were awaiting their minister.

The three old Essex towns named furnished half of "Mr. Hooker's company," the original settlers of Connecticut. In pilgrimages among the Hooker places, I have visited all of these, as also Little Baddow, close to Chelmsford, where Hooker

¹ Entered in *Stationers Registers* (Arber, iv. 233), December 6, 1631, by John Clarke.

² *Ib.*, 229, under date October 29, 1631, by Master Robert Dawlman. Arber erroneously prints the author as F. H.

retired when silenced by Laud and opened the school in which he secured the assistance of John Eliot, later our apostle to the Indians, coming from Jesus College in Cambridge. As student at Emmanuel College and as lecturer, Hooker himself had resided in Cambridge about fifteen years. The little old church at Esher in Surrey where he then served for half a dozen years, until he went to Chelmsford, still stands, unused, beside the newer church; and St. Mary's Church at Chelmsford, where he was lecturer for three or four years, up to the end of 1629, where undoubtedly he preached the sermon before the judges mentioned by Mather, and quite probably the farewell sermon, whether or not this were identical with that, appears to-day essentially as in Hooker's time.

It would seem that, with "Mr. Hooker's company" and Mr. Hooker thus reunited in Newtown, the conditions for contentment and permanence well existed. But in less than a year we find the company anxious to remove to Connecticut and Cotton preaching a sermon, on "a day of humiliation" over the anxiety, intended to pacify them — this service by Mr. Cotton "being desired by all the court, upon Mr. Hooker's instant excuse of his unfitness for that occasion." The resulting pacification was of brief duration; and in June, 1636, we find Hooker and his company tramping through the primeval Massachusetts forest to the Connecticut and crossing the swollen river upon rude rafts and boats to lay the foundations of Hartford. In the same month we find Roger Williams, banished from Massachusetts, paddling down the Seekonk River with his little group of friends to lay the foundations of Providence. At almost precisely the same moment we therefore see the founding of the two democratic commonwealths by men who could not adapt themselves to the theocratic and aristocratic system of Massachusetts. By curious irony, the two leaders of the Connecticut exodus, Hooker and Haynes, were precisely the two men who had been the most prominent public actors in the proceedings resulting in Roger Williams's banishment. For it was Haynes, not Winthrop, who was then governor of the Massachusetts Colony; and it was Hooker who was chosen by the Court to argue the mooted points with Williams in the final formal dispute. But the real force that impelled both Williams and Hooker to leave Massachusetts

was undoubtedly John Cotton. As concerned himself, Williams — remaining to the end, like Hooker, the warm friend of Winthrop — never accepted Cotton's excuses; and it was with Cotton that he later carried on his chief controversy over toleration. As concerned Hooker, Hubbard doubtless closely hit the truth when he said, "Two such eminent stars, such as were Mr. Cotton and Mr. Hooker, both of the first magnitude, though of differing influence, could not well continue in one and the same orb." The main point was the differing influence. Hooker's democracy could not be made to harmonize with Cotton's aristocracy; and the founding of Connecticut was inevitable, and it was most beneficent. "Thomas Hooker, the First American Democrat" is the title given by Walter Logan to his glowing eulogy of Hooker. The "Fundamental Orders of Connecticut," the first written constitution in history, inspired by Hooker if not indeed written by his hand, was a strictly democratic constitution. "It marked the beginnings of American democracy, of which Thomas Hooker deserves more than any other man to be called the father," says John Fiske in his *Beginnings of New England*; and Johnston, the Connecticut historian, wrote: "It is on the banks of the Connecticut, under the mighty preaching of Thomas Hooker, and in the Constitution to which he gave life, if not form, that we draw the first breath of that atmosphere which is now so familiar to us."

It is in the light of this memorable and pregnant subsequent history that it is so interesting to turn back to this old farewell sermon of Hooker's as he was leaving England, shaking the very dust from his feet and fiercely denouncing everything identified with a State represented by Charles and Wentworth and a Church represented by Laud. It was an utterance prophetic of the "Fundamental Orders" of Connecticut; and it was undoubtedly one of many similar utterances which warranted the contemporary judgment of him as "a person who, while doing his Master's work, would put a king in his pocket."

Col. W. R. LIVERMORE, in presenting to the Society a copy of his volumes on the Civil War, covering the operations of 1863, and in continuation of the history of John C. Ropes, described briefly the methods employed in gathering and using his material.

The Editor read a letter of Daniel Webster from the collection of Mr. LORD. It refers to an explanation by John Quincy Adams of the failure to pass a fortification bill in the last session of the Twenty-third Congress, and applies to a subject of which the Adams *Memoirs* contains no mention.

DANIEL WEBSTER TO ISAAC L. HEDGE.

WASHINGTON, Jan. 26, 1836.

Private and confidential.

MY DR. SIR, — Mr. Adams, in his speech on the 22d, has, as you will have seen attacked the Senate with great violence, and expended an uncommon portion of his gall on me. As his Speech will doubtless be circulated by him with great industry thro' his own District, I am desirous, naturally, that the People should see both sides of the question. Can you give me a *list* of persons, to whom it might be well to send copies of my Speech, and also copies of much better Speeches, on the same subject? If you can, I should be obliged to you, and the larger you make it the better. If you thought it would do good, I would also send some copies to you or your brother, to be handed to those who might wish to read them.

We are in a good deal of excitement here. The Massachusetts Delegation are indignant, and before the matter is over, Mr. Adams will hear a good many truths told.

Yrs. truly and sincerely,

DAN'L WEBSTER.

The Editor also submitted three documents on the early years of the history of Massachusetts Bay plantation.

QUESTIONS OF THE ELDERS.

The following paper is found among the Belknap MSS. in the Society's collections (161, A. 1). It may pertain to the discussion over some opinions expressed by John Cotton in 1636, referred to by Winthrop, *History*, I. 253.

New England

1637

Questions agreed vpon by all
the Elders of the Bay, and to
[be] conferrd vpon at a meetinge.

1. Whither Christ with all his benefits bee disproued in a Couenant of workes?

2. Whither all the promises bee made to Christ himselfe, and the conditions fulfilled in him personally?

3. Whither there bee any conditionall promises, in the Couenant of grace, or onely absolute?

4 Whither all the Comandements in scripture bee Legall and none Euangelicall?

5. Whither there bee vnion, betweene Christ and ye Soule before, and without Fayth?

6: Whither Fayth in Justification bee meereley passive?

7: Whither wee are Justified before we beleue in Christ?

8: Whither Justification bee an acquittinge of a sinner, or the declaration to the soule that it is acquitted?

9: Whither Habits of Grace doe not differ a sainte from an Hypocrite?

10: Whither Justifyinge Fayth, and sanctification, bee in Christ as in the subject, and not in the Soule?

11: Whither a beleueer ought to stirre vp himselfe to act holilye, before hee feeles the spirit of God to act him?

12: Whither Vnion with Christ, and Justification by him, must bee first fully seene, and assured to the soule, by the immediate witnessse of the spirit, before hee cann see the truth of his Fayth, or sanctification, soe as to euidence his Justification thereby?

13: Whither our first assurance must bee from an absolute promise, not from a conditionall?

14. Whither a beleueer hath not right to a blessinge by a Conditionall promise of the Gospell: and may not pleade the same in a Couenant of Grace?

15: Whither hee that hath sauinge Grace, may without sinn denye it?

16: Whither hee that hath receiued the witnessse of the Spirit ought not to trye it by witnessse from Sanctification?

THE NEGATIVE VOTE.

In 1860 Rev. Charles Lowell gave some historical manuscripts to the Society. Among them were two of early date which are now printed for the first time. The origin and history of the one are indicated in the memorandum noted upon it, but the handwriting has not been identified. It is without question the original paper that was given to the governor. The indorsement on the second paper, "Negative Vote" would seem to connect the two papers, but this endorsement, though made in the seventeenth century, is misleading. The documents must be considered separately.

The question of the "negative vote," or power of the magis-

trates of Massachusetts Bay to veto a resolution of the deputies, was actively discussed in 1643 and following years. Winthrop states that was one of the consequences of the remarkable lawsuit over the stray sow which Captain Keayne appropriated, after duly advertising the fact of his having it.¹ The many phases of this suit do not concern me, but the "sow business" was directly responsible for a small treatise on the negative vote by a magistrate, "wherein he laid down the original of it from the patent, and the establishing of it by order of the general court in 1634, showing thereby how it was fundamental to our government, which, if it were taken away, would be a mere democracy."² Before May, 1634, the government of the plantation rested with the governor and assistants (magistrates); but in that year the principle of representation was applied, the freemen of the several settlements being empowered to choose two or three of their number to attend the Court, and "to have the full power and voices of all the said freemen derived to them for the making and establishing laws," etc. Winthrop, then governor of the colony, was consulted upon this measure, but laid down the rule that these representatives should not make any new laws, but prefer their grievances to the court of assistants (magistrates). He thus reserved to the magistrates the power to originate laws and to have the final word upon the propositions coming from the deputies.³ Ten years later the position of the magistrates had not been changed.

This treatise by a magistrate did not satisfy the deputies or the people, who wished to take the negative vote from the magistrates, and a reply to it was prepared, written as was supposed by one of the magistrates. The identity of this writer can only be conjectured, for even the year in which the reply was written is uncertain. But Israel Stoughton had been an assistant, and in 1643 was again chosen to serve. Eight years earlier, in March, 1634-35, he had incurred the displeasure of the General Court, and had been "disabled for beareing any public office in the commonwealth, within this jurisdiction for the space of three yeares, for affirmeing the Assistants were noe magistrates." This assertion was made in a written treatise,

¹ Winthrop, *History*, II. 69. The sow strayed in 1636 and the discussion of the negative vote came to a head in 1643.

² *Ib.*, 118.

³ Winthrop, I. 129.

which had given great offence to the Court, and an order was issued that it should be burnt, "as being weake and offensive."¹ His doubts of 1635 were the same that agitated the people of the colony in 1643, and it is more than probable that he was the author of the statement made in the latter year in behalf of the deputies and freemen. Upon pressing their case they received for a reply from the magistrates that

the matter was of great concernment, even to the very frame of our government; it had been established upon serious consultation and consent of all the elders; it had been continued without any inconvenience or apparent mischief those fourteen years, therefore it would not be safe nor of good report to alter on such a sudden, and without the advice of the elders: offering withal, that if upon such advice and consideration it should appear to be inconvenient, or not warranted by the patent and the said order, etc., they should be ready to join with them in taking it away. Upon these propositions they were stilled, and so an order was drawn up to this effect, that it was desired that every member of the court would take advice, etc., and that it should be no offence for any, either publicly or privately, to declare their opinion in the case, so it were modestly, etc., and that the elders should be desired to give their advice before the next meeting of this court.² It was the magistrates' only care to gain time, that so the people's heat might be abated, for then they knew they would hear reason, and that the advice of the elders might be interposed; and that there might be liberty to reply to the answer, which was very long and tedious, which accordingly was done soon after the court, and published to good satisfaction.³

This General Court, held in May, adjourned to meet in September. The "reply to the answer" is dated June 5, 1643.⁴ At the September session three conclusions were delivered by Mr. John Cotton, in the name of himself and other elders, about the negative vote.⁵ Winthrop also describes another paper:

One of the elders also wrote a small treatise, wherein scholastically and religiously he handled the question, laying down the several forms of our government, and the unavoidable change into a democracy, if the negative voice were taken away; and answered all

¹ *Mass. Col. Rec.*, I. 135, 136.

² This order is printed in *Mass. Col. Rec.*, II. 40. ³ Winthrop, II. 119.

⁴ It will be found in Winthrop, *Life and Letters of John Winthrop*, II. 427.

⁵ Probably the paper printed in *Mass. Col. Rec.*, II. 90.

objections, and so concluded for the continuance of it, so as the deputies and the people also, having their heat moderated by time, and their judgments better informed by what they had learned about it, let the cause fall.

I believe this "small treatise" to be the paper found among the Lowell manuscripts. The date is later than Winthrop's paper, and earlier than that of Cotton. The writing may be that of John Norton.

Concerning the negative vote the state of the controuersy is

Whether it be safer for this common wealth to commit the execution of the supream ciuill power therof to the Magistrates and Deputies (as the 2 integrall parts of the Court) to be executed by them according to a mixt forme of gouernment, so as no act judiciall either in making or executing Lawes can proceed without the positive uote of both parts.

Or whether it be safer to commit the said power to plurality of votes in the whole Court, and consequently to the greater part of the deputies, so that notwithstanding the whole magistracy dissent together with so many of the Deputies as conjoynd with them are lesse in number then the rest, yet judiciall acts to proceed by such plurality of votes though only of the Deputies.

Or

Briefly this

Whether a mixed forme of gouernment viz: of Aristocracy and Democracy or a popular forme of gouernment as that consisting of the Deputies be fitter for this common wealth.

For the resolution of the question consider the following Propositions

- | | | |
|--|---|--|
| Quaeres
with their
answers. ¹ | { | 1: w ^t is a popular or Democraticall forme of government. |
| | | 2: w ^t an Aristocracy is. |
| | | 3: w ^t a forme mixt of Aristocracy and Democracy or popular state is. |
| | | 4: whether a mixt forme in generall is generally to be preferred before a popular, circumstances considered. |
| | | 5: whether a forme mixt of an Aristocracy and Democracy or a popular and that such a one as the taking away of the negative voyce inferrs, is best for this common wealth. |

¹ In the margin is written "forma regimen petenda est e conditione gubernantium."

Satisfaction to some objections.

1: A multitude of freemen considered as an homogeneous body united by a Ciuill bond, to liue under the same gouernment make a Common wealth.

2: This common wealth (as such) is the first subject of Ciuill policy and power.

3: The regular execution of this power by man so as not man but reason or rather God (though by men) rules.

Is the breath of the [2] nostrills of Israel and ordinary meanes wherby the common wealth leades a quiet and godly life in all godlines and honesty.

4. This power cannot be executed immediately by the common wealth, but by some one, or more selected persons orderly chosen theunto, and vested therewith (wth others call otherwise; we call magistrates, and Deputies.)

Quaere 1: what a popular or democraticall forme of gouernment is?

2: what an Aristocracy is?

3: what a forme mixt of Aristocracy and Democracy is?

Resp: In answer herunto we are to know there are 7 formes of good gouernment 3 simple and foure mixt.

Simple	{	1: Monarchy:	{	one
		2: Aristocracy: where majesty or supreme ciuill power is committed by ye people to		the nobles or superior sort of the people as Gentry or the and
		3: Democracy or popular:		any sort of the people
Mixt	{	1 of all three		
		2 of a monarchy and Aristocracy		
		3 of a monarchy and Democracy		
		4 of an Aristocracy and Democracy		

the present forme of gouernment with us, except wee shall say, and it may bee more properly that our magistracy is but a Democraticall though Aristocratically administred.

Hence the reader may see

1: A Democracy or popular state is where the supreme ciuil power is by the people committed or betrusted for the execution thereof according to fundamentall Lawes, with such a number of the people though of any inferiour condition among them. [3]

2: Aristocracy is where the supreme ciuill power is committed and betrusted with such a number of the cheifer sort of them, as the nobility; or in the absence of such the gentry or the like.

3: A forme mixt of an Aristocracy and Democracy is when the former power in the former manner, is not committed to the chiefe of the people only, nor to any part of any inferiour condition of the people, but to such a number of both sorts; so as no act of supream power, can proceed without the suffrages of the greater number of both parts.

Doubt: In case there be some persons of chiefer sort joyned with those of inferiour sort doth not this make a mixt forme of gouernment?

Sol: No: tis not the being of some such persons amongst the other, but ye vesting of that sort of persons with such power whence as they cannot without the other: so neither can the other without these proceed to any act of supream ciuill power.

A negatiue uote in either parts is inseparable from a mixed forme of Gouerment.

4: Quaere: whether a mixt forme in generall, is generally to be preferred before a popular, Circumstances considered?

Resp: Affirmatiuely which may thus appeare from scripture, Reason, and Experience.¹

Scrip: The example of the gouernment of the people of God which was mixt viz: of Monarchicall and Aristocraticall — the Aristocracy instituted Numbers 11: and continued till Herods time.

Res: 1: From the agreement of the forme with the matter, This forme of Gouerment best agreeth with the matter of gouernment, viz the people whose condicon is mixed, some being of superiour quality as the Gentry some of inferiour as the commonalty, a simple forme of Aristocracy occasions the inferiour sort of the people to be discontented, a simple forme of Democracy occasioneth the superiour sort to be discontented, a mixt sort suites both, contents both, it is a maxime in policy, when the forme and matter of gouernment agree you may affirme that state to be safe.² [4]

2: A mixed forme is not subject to erre in judgment because in it both the parts containing a sufficient number of councellors, and consulting apart put out more strength of reason in their seuerall; then if there were but one joynt consultation.

3: There is not so much danger in erring all sorts of people being present in both the representatiue parts and consequently inclinable to make the best not the worst of errour.

Exper: No popular state hath liued so well or liued so long as a mixed forme of gouernment history being witnes.

¹ "Principia cognoscendi regulatiua in politicis sunt tria, ratio, experientia, scriptura sacra." *In margin.*

² Quotiescunque imperii forma conditionis populorum quasi materiae congruenter respondet die imperium seruatur incolumae.

Quaere 5: Whether a forme mixed of an Aristocracy and Democracy or a popular sc: such a one as the taking away negatiue voyce inferrs is best for this common wealth?

Ans: A forme mixt of an Aristocracy and Democracy is best &c.

1: The Reason of the foregoing reasons obtaineth with us.

2: The bringing in of a Democracy here were to change the forme of our gouernment, the which to doe and that forme not so good without sufficient cause and against the judgments of many if not most of them that are in these causes judicious were not safe.

3: Because our fundamentall lawes and annual elections doe or may sufficiently prouide against considerable inconueniences of the Aristocratically part.

4: Such a popular gouernment with us, in effect puts out one of the eyes (if not the right eye) of the common wealth, exposing it unto the losse of the reason of its whole magistracy (the most fit men for that seruice as chosen by, and out of the whole country) in the supream acts of iudicature.

5: It consequently depriueth this common wealth of a fundamentall liberty and may bring upon them an unknowne injury in subjecting the people to the power and judgement of those whom particular townes, not the common wealth doth immediately and collectiue choose.

6: It may this way come to passe that the supream power of the common wealth may be disposed of against the mind of the common wealth, yea by them, not one of whom the commonwealth sc: the major part of the freemen (had it beene in their power) would haue chose: as in case the greatest number of little townes (in which usually are not the best choyce of men) where are a lesse number of freemen, consent against a number of greater townes, wherein are a greater number of freemen. [5]

7: Whereas a mixed forme tends unto compliand and prouides against the danger of contempt of inferiours by superiours, and the enuy of inferiours against superiours, whilst either part seeing neither greater they can goe together but can not goe asunder, this popular state as with us, ministers an opportunity to inferiours to satisfy the spirit that in us lusteth to enuy superiours, whilst the inferiour part of people haue such supream aduantage in their hands, and that according to law ouer superiours the commons ouer the better sort, the little townes ouer the greater, the Deputyes ouer the Magistrates:

Obj: 1: A negatiue uote may hinder the present proceeding of iudiciall acts, and cause long delay.

An: 1: The best humane administration is uncapable of perfection:

2: So many a Democracy in case the votes be equal in number.

3: It may do good by hindring the process of plurality in votes in case they be about to proceed erroneously.

4: Admit the major part in the way of plurality exceeds but by one or two votes is not further consideration ordinarily better than a present proceeding? plurality is fallible.

5: In such neere cases the judgement of but such a number in way of a mixt forme, is safer then the judgement of such a number in way of plurality of votes, for the reason mentioned. Reason 2: quæ: 4.

6: In case of error the hurt is negative, it can delay a good it can do no positive euill. 2: The hurt of delay is curable within the yeare when at the election the offending and incurable magistrates may be removed. No proportion betweene the hurt that may be done by plurality of voices and the hurt which may be done by a negative voice. The euill of that is positive of this only negative, the euill of that many times incurable, of this curable. The nocent whom a negative voice keeps from just punishment one court, may be punished the next. but the limmes, life, etc of the innocent which plurality of votes takes away, can neuer by men be restored.

Ob: 2: Magistrates though there be cause are difficultly left out.

Ans 1: A magistrate is not before the country to be counted an offender, except the greater part of the freemen so judge.

2: In case the greater part of the freemen see sufficient cause to leaue him out, tis but voting according to their judgment and the thing is done.

3: It may be difficult also to leaue out a deputy and in some case more difficult then to leaue out a magistrate; the major part of the towne being able to choose a deputy, against the minds of all the rest of the country.

Obj: 3: The number of the deputies exceeding the number of the magistrates, therefore no reason why votes of unequal numbers should be equal.

R 1: Not the number but the reason of them which are numbered is to be weighed. [6]

2: Tis not an Arithmetical equality but a Geometrical that is to be attended to; that is, not equality of number, but of vertue.

3: There is more disproportion betweene the wisdom and number and object of Electors sc: the major part of the country that choose the magistrate and the major part of the towne that choose the Deputy, then there is betweene the number of the elected sc. Magistrates and Deputies.

4: Though among the Deputies there may be found those which do excell compared with some of the magistrates yet generally the

one being experienced the other lesse experienced wee may judge accordingly.

5: If yet there remaine ought herin to be satisfyed it may be tempered by increasing the number of the one or diminishing the number of the other, or by qualifying the major part of the magistracy according to the proportion of two thirds as 6 the major part of 9, 7 or 8 of eleuen and as in some weighty motions of the venitian state policy tempers one part to the other, but doth not causelessly destroy either.¹

Object: Appeales may by meanes of a negatiue vote be frustrated in that the judges in the inferiour court haue the negatiue voyce in the superiour court.

Resp: 1: Omitting what may be said in regard of our Magistrates and yearly election this objection holds not against a negatiue vote, but against such a constitution of judges in some inferiour court that is, not against a mixed forme, but against some errour in the temperature of the Aristocraticall part, the forme therefore here, is not to be touched, but the errour to be cured, by the concord-ing the constitution of such inferiour courts, with the free processe of appeales.

2: Appeales may upon like reason be made frustrate in a popular state.

3: Appeales haue as free a course in a mixt as in a popular state the temper being accordingly.

Ob: Tis possible that a negatiue uote may in some cases occasion the ruine of the common wealth in case of present danger by invasion of an enemy.

1: Tis not probable where the magistrates are annually electiue.

2: Tis possible though not probable that a bare plurality of votes on the Deputies part all the magistrates and the rest of the Deputies too dissenting may doe the like.

3: In case either magistrates or deputies or both be not only doubted but should be found guilty of such a uote, scripture, nature and reason teach the people not [7] to suffer their hand to be tyed by [such] a uote but to arme themselues in their owne defence.

If the judgment of the protestant []e, and more judicious writers, be in this case enquired after.

Though in wisdom they haue much declined the odious and perillous comparing of the frames of common wealths yet the wary reader uppon search may find the judgement of diuers of them to haue benee

1: That no simple forme is safer than an Aristocracy, none so unsafe as a Democracy, a meere monarchy excepted.

¹ "What if the major number be neuer lesse than 7:" *In margin.*

2: That a mixed forme of gouerment is more safe than a simple.¹

3: Amongst mixt formes that which is tempered of an Aristocracy, and a popular state, to excell.

They are the words of Caluin: famous both for diuinity, and law:

I will not deny that a state tempered of the chieftest men and comon gouerment farre excelleth all other.

It be hopeth then this comonwealth which God in speciall mercy hath blessed (may be aboue many of our thoughts) with so safe a gouerment, duely to consider his prouidence therin, and to be [sufficijently and throughly admixed (?), before it change that forme of gouerment, which (if it be not most safe) yeelds to none amongst the seauen in point of safety, for that forme of gouerment which amongst the seauen (one excepted) is most unsafe.

Who please may consider further

1: Such is the state of all the humane gouernments respectiuey that something may be said against that which is most safe and much for that which is most unsafe.

2: The power of the negatiue uote is unseparable from a mixt forme so that they which desiring a mixt forme yet endeavour to remoue a negatiue uote seeme not to obserue their labouring for an impossibility, and against themselues.

3: The objections though generally profitable yet are also generally besides the question as not proceeding against a negatiue uote but against some errour in the temperature of the Aristocraticall part in respect of the constitution of some [co]urts, or the member of the major part of the magistrates &c. [8]

4: That in case our [*illegible*] not to be in the negatiue uote (or mixt forme of gouerment which in point comes all to one) but in the temperature of either part, according to the strength of [the] best objections whether it will not be expedient that the [*illegible*] of those objections appeare also in our answering the [*illegible*] an unwary falling upon the negatiue voyce through a mist[ake] that in reforming greeuances in conforming [to] our politicall construction; to the temper of a mixed forme of gouerment.

Endorsed: This treatise was deliuered to the Gou^r from Mr. Norton one of the Elders of the Ch: of I[pswic]h. (4) [June] 22-43.²

THE MASSACHUSETTS PATENT.

The second of the manuscripts offers greater difficulties. The endorsement is clearly wrong, for it has no connection with

¹ Calvin's institutions 1: Lib. 4 cap: 20 sect: 8. *In margin.*

² The subsequent history of this question may be gathered from Winthrop, II. 263; *Mass. Col. Rec.*, II. 90, III. 11; and *Life and Letters of John Winthrop*, II. 440.

the question of a negative vote. It is a discussion of the relations of the colony to the king, and may have been prepared about 1664, on the appointment by the king of Commissioners to visit New England and determine differences among the various colonies. The date is certainly later than 1662, as the reference to Owen's *Animadversions* proves. The question of authorship cannot be answered, nor is it possible to give the name of the person to whom it is written. It has every mark of being a contemporary document.

SR., — the Intelligence you are pleased to favor me with by your last requires a larger measure of thankfulness then that which you request by way of return: were I but in a Capacitie to grattifye therin the matter of Controversy wherin you seeme soe desirous to vnderstand my oppinion is in itselfe of noe low Concernm't, and the Eminency of the disputants were enough to discourage a much abler person then my selfe from vndertaking to be a moderator in a question of that Nature, yet that I may not altogether fail your Expectation I shall in breiffe giue you an account of what I heard discourst vpon that subject, after I have praemised a few words in order to the question in hand. It hath been fatall to tymes of reformation, scandalous to Reformers, and a wofull snare wherin pious and well minded Persons have been miserably intangled as former and later experience hath too sadly testified: viz. An oppinion or assertion of externall power and dominion as a necessary requisite for the securitie of persons that profess the true religion. For there be many decieved by the illusive sophisms of satan and have been put upon dangerous and unwarrantable Attempts for defence of the religion they profess, not trusting vnto the wisdome and power of Almighty God as sufficient to Carry on the intrest of his own Cause and glorie in the world without the additional help of man's polecie. As the kingdome of Christ is not of this world soe rayther is there need of irregular striving after worldly power to vphold and maintaine the same, outward prosperitie indeed was promised vnder the law where all things were typicall, but vnder the gospell where all things are vnveiled the kingdome of God and the things belonging therevnto are to be looked vpon with a more spirituall eye by which may be discerned the promise and reward of Eternall life due to the saints in another world: But as to this we find more mention of tribulation that shall attend the godly then of Power and Dominion. And the praedictions of the gospell speake more of the faith and Patience of the saints then of their externall Conquest and glorie; this expectation of a secular kingdome had too much influence vpon the Ap-

postles in there first beginning before they had received more plentiful illumination from the pouring out of the holy ghost: they thought Christ would in a way of externall glorie restore his kingdom to Israell; It is to be feared too many persons in this age are too much taken with the same kind of inordinate desire after Civile power and dominion. If men could ride to heaven in the Tryumphant Chariot of outward prosperitie one should think that more would travell that way then yet are observed to doe. But as the Path troden by our Savior and his Apostles and the whole church of God in succeeding Ages hath been rather with Thornes of Roses soe it cannot be expected that it should be new made for those that succeed in aftertymes. The Lord Jesus into whose hand the father hath committed all Power both in heaven and in Earth is not to seek of waies and means to provide for his servants and advance the glorie of his owne name. If Crownes and scepters in the hands of his saints had tended most to that end doubtless they had been their portion even in this life; But the doctrine of the Gospell as well as the experience of Christians evidence the Contrary.

But to return to what I promised and principally intended. The King himselfe if your intelligence mistake not, hath reduced the question into a Narrow Pinch: viz. Whether the Pattent doth denie his sovereignty here? Or as you relate it, Whether he hath noe Jurisdiction over the inhabitants of the Massachusetts and soe his late Commission seems a violation of their Charter which he whose honor is the strongest obligation to performance professeth he would not in the least infringe; In refference to the question I have heard it strongly Argued both on the affirmative and Negative and the summ of what I have heard discoursed that way I shall as succinckly as I am able relate vnto you for your better satisfaction, and then leave you according to the exactness of your owne Judgment to draw the Conclusion.

One the Affirmative its pleaded that those of the Massachusets are as much the naturall subjects of the King of England as those that are borne in any other of his dominions and territories, and that he hath as Absolute Jurisdiction over them as to sovereignty as over any of his subjects notwithstanding the privileges of the Pattent. For Privileges although they dignifie and advance yet they make not a new kind of subject. The Reasons vsually Alleadged are first because after Sebastian Cabott at the King of Englands Charge had first discovered the part of America wherin New England is situate, the King of England as in the Pattent is expressed did actually take this part of America soe called into his actuall possession, the doing of which is supposed to give him as treu and firm a title to the Countrey as he hath to any other his Territories according to the Judg-

ment both of divines and Civillians with whom Iusta Occupatio is reckoned amongst the grounds of the right of title and dominion to goods and lands that before were in the possession of noe other: The Barbarous People that inhabited those deserts in as much as they had neither fixed habitations any where nor Improved any part theroff for Pastorage and ordinary tillage it cannot in reason be saied that any injury is offered them when the Countrey lying wast before was seized by the Prince of any Civile nation; not here to mention lyberty granted by the salvages to them that first occupied the land under the shelter of the King of Englands Authority, they are made by some precepta juris naturalis honeste vivere suum cuique tribuere alterum non Laedere. None of these Precepts being violated by the first seisers there appears nothing that can Impeach the right and title of them that first made it: The deserts of Arabia of old being destitute of settled inhabitants for that the borderers made occasionall vse of part off it as they were capable is vnquestionable for wee read that Jethroes flock were formerly kept vpon the Edge of Mount Sinai: were free for Israell not only to Journey through but after a sort to inhabitt for the space of fourty yeares and why not for ever? Neither of which could lawfully be attempted vpon the bordering land of the said deserts possessed by the Moabites: the like may be said concerning those deserts of America and is constantly practised by all other nations of Europe as well as by the subjects of the King of England.

2. Secondly Because the Pattentees of the Massachusetts tooke a graunt of that Collonie so and soe Bounded by Charter from the King of England, which is a sufficient Argument that the King of England in their owne account had a right of Jurisdiction over them from the first.

3. Thirdly it is noe less manifest that the King of England did never divest himselfe of the right of Jurisdiction which he both really had and was by themselves owned to have over the said Collonie which I have heard by these Reasons demonstrated.

1. First its maintained by all the Lawyers off France that Provinces once incorporated into the Crowne can never be alienated by the sovereigne Power of any succeeding Prince without the Consent of all the Estates: Why the like may not be affirmed of the King of England who is by right and title the King of France also, noe reason can be rendred, and iff that stand good its not to be supposed that the King of England hath done what he could not doe, non possumus quod non jure possumus. Its said by Bodin a wise states man and great Lawyer that the markes and recognisance of sovereignty cannot be communicated with subjects nor agree to any but a sovereigne Prince. According to this rule the sovereignty of the Mas-

sachusetts soe long as it continues any part of the King's dominions cannot be communicated to any of his subjects, its the common opinion of Lawyers saith the same Bodin, l. 1. c. 10. that Royall rights cannot be yielded vp detracted nor any otherwaies alienated, or by any tract of tyme proscribed against; amongst those Royall Rights that of sovereignty and Jurisdiction and giving law to the subjects is Justly to be accounted the principall and most Essentiall to the Crowne it is a right soe inseperable that another doubteth not to affirme that iff a King and his subjects should be driven out of his kingdome he still continueth King over them they are still bound to him by their bonds of Alegiance wheresoever they be,¹ and iff vpon such an exigent of Captivity the Jurisdiction of a prince over his subjects continueth and that they owe him subjection and obedience much more will it be treu vpon a voluntarie transmigration to plant Another part of the Princes Dominions with consent and liberty thereto abide vnder his protection and Alleageance, yea the right of sovereignty is in some places esteemed soe inseperable from the Crowne that Although the Provinces be exchanged with Another prince or otherwise given away vpon treaty yet the right Jurisdiction will remain, as in the Province of Burgundi the County of Choraloies belongeth to the King of Spain as to the propriety thereof, wheras the sovereignty theroff belongs to the french King; but let it be granted that the naturall subjects of the King of England may be exempted from the personall obligations wherwith they are bound vnto him yet iff he never have consented to any such Exemption the said obligation remaines as firme as ever which is therfore in the next place to be considered off.

2ly. Its Absolutely denied that ever the King of England hath granted away his Jurisdiction over the Massachusetts that he hath not is manifest (they say) by sundry express passages and clauses in the Pattent which makes them conclude that the King's right of Jurisdiction continues as firme and Inviolable after the granting of the Pattent as ever it did before: first by the way praescribed in the pattent for the Issuing of aell differnces between the King and his subjects and between the planters of the Massachusetts and the subjects or people of any prince or state In the former Case its provided that every clause in the Pattent shall be taken to all intents and Constructions of law in favor of the planters but not contrary to sence and reason, whence necisarily gathered that there is some Law by which all such jmergent Controversyes are to be decided and by what law can the Concernments of the King of England and his subjects be Judged and decided but by the law of England and before whom but such as he that is the fountain of

¹ Sir W: Raleigh Priv. of Par., p. 41. [In margin of the ms.]

Justice shall Authorize for that End furnishing them with plenary Authoritie for that Purpose; If it be thought less convenient that he should in his owne Person Judge and determine thereof: in Case of the latter it is provided that vpon Complaints of wrong done to the subjects of another Prince, etc. iff vpon Proclamation made etc satisfaction be not given that the King shall putt them out of Protection, It would be counted hard and vnjust iff the King should *causa non data* put them out of his Protection, it of necessity will follow therefore that vpon notice given the King may both Judge of the Cause and satisfaction to be made, *qui vult finem vult et media*. It seemes very manifest from hence that the way and meanes how such Cases may come to a hearing is left to the pleasure of the King either by sending of deligates to Judge and determine vpon the place or by the personall appearance of some in behalfe of the supposed offenders.

2ly by the Restriction added to the Power of making Lawes granted in the Pattent viz: not repugnant to the lawes of England of which who a competent Judge but the Granter or his heires and sucseors or such as are Impowred by them, its vsually said that the Interpretation of Lawes belongs vltimately to them that made them such a clause in the pattent hath the nature of a law imposed vpon the Pattentees therefore in Reason belongs to him that first granted the said Pattent or his sucseors to Judge whether it be broken or not.

3ly in that there is a liberty granted to the Pattentees to transport themselves with any other that are willing to live with them vnder the King's Protection and Alleageance which words containe the reciprocall Bonds of the King and his subjects Alleagiance importing all and only that duty and obedience that the subject oweth to his Prince and soveraigne, fealty and homage may be due to the lord of the mannor Aleageance only to the King the meaning cannot be better expressed then the master of Chancery hath expressed in the oath Administred to the first Governor Mathew Cradock *Juratus de fide et obedientia domino regi*. how Any people should owe Alleageance i. e. fidelity and obedience to one that hath not the right of Empire of them passeth the reach of ordinary mens understandings, And whether the Patentees in making vse of the liberty granted to come hither vpon that express Condition or not vnder the same obligation with other subjects in point of duty and obedience to their soveraigne let the Pattent be judge and the world too iff noe less Arbiter will serve to decide this Controversy.

4ly the Kings right of Jurisdiction seemes in express termes to be reserved in the Pattent when the Pattentees are in Corporated

and made a body politique by the name of the Governor and Comp[any] of the Massachusetts the names of every which society is to be dependent vpon another as superior and not to be a Commonwealth or free state in it selfe and made capable to sue or be sued in any of his Majestys Courts doubtless all such are vnder his Majestys Jurisdiction while they inhabite any part of his dominions and over all such his right of Emperie must be acknowledged what can be more equall then that the law of duty and of obedience should be as farr extended on the one hand as the law of favor and privilege one the other, its a privilege to sue in any of his Majestys Courts why should it not be a duty to be lyable to be sued as other subjects are:

gly by Pattent all such as are born here are capable of the greater privileges in England as to inherite lands etc to which noe stranger but English subjects can be admitted unless naturalized And had not the King intended vs to continue his subjects here, notwithstanding the Pattent, what should move him to graunt it, what is more vsuall or Rationall then for princes to look at all such as hold lands or honors in their dominions as subjects and accordingly to exercise Authoritie over them: Matthew Earle of Linnoch ¹ a scott by birth living some tyme in England and having Lands there returned into Scotland vpon the Invitation of the Queen of Scotts intending a marriage with his son, which Queen Elizabeth vnderstanding by the Advice of her Counsell called him back vpon his Alleageance, when the late Duke of Hamilton ² vpon the Tryall for his life pleaded that he was a scot the Judges Answered he was Earl of Cambridge and vpon that account proceeded against him as an English subject by reason of his honors and lands some of them lying there. When Edward the first was summoned to doe homage in person to the King of France for the dutchy of Normandy held of that Crowne he yeilded therevnto then also when one Guasco de Beirne a Gascoigne subject of the same Edwards had Appealed from his sentence to the Judgment of the King of France he admitted of the appeale for the which act the King of England was blaimed by some yet turned it greatly vnto his honor the Appealer being Condemned by the Parliament of Paris and sent home to the King of England to prostrate himselfe at his Majestys feet with a halter about his neck for Justice or mercy for greate is the duty of subjection which belongs to soveraigne princes from all such as hold any lands of them Although otherwise they are soveraigne Princes themselves in their owne Kingdomes how much less can

¹ Matthew Stewart (1516-1571), Earl of Lennox, and father of Lord Darnley (1545-1567).

² James Hamilton (1589-1625), second Marquis of Hamilton.

they who are soe farr inferior denie the subjection which as naturall subjects they owe to their lawfull soveraigne.

6ly to all which may be added, that the absolute Power supposed to be given in this Pattent is expressed in noe higher termes then that which is granted to all Commanders to be Employed in the transportation of the planters which certainly the Governor and Comp[any] did never take to be soe absolute as not to be accountable in case of any irregularitie in the execution.

I have done with the Affirmative and shall in the next place touch as Breiffly on the negative with what is vsually replied to the objections on that hand.

1 It is first Alledged that it was the intent of the Pattentees to transplant them selves at their owne charge that they might enjoy the free Exercise of their religion which cannot be secured to them and their successors vnless supported by the Civill Authority and that in a way of Absolute Power without allowance of Appeale: otherwise they say all the power granted them would stand them in little stead to such an end if they should be lyable to submitt their Judgments and sentences to the Alteration of others to whom Athoratie might be derived from a soveraigne Power or Jurisdiction to overrule all their Juditiall Proceedings to disannull the best laws that might be enacted for the benefite of the inhabitants either Ecclesiasticall or Civill and to revoake the most Just sentences that had been passed by their rulers. To this it is Answered that there is some Collour of Reason in the Alligation yet but a Collour for iff intents might be vrged vpon the part of the Pattentees will it not be as strongly argued on the part of the Grantors that none of them had any intent to part with their soverainty or right of Empire and soe to confer the same vpon other persons vnknown to themselves and what should move them soe to doe is hardly Imaginable Princes though Profuse yet vsually Propound to themselves some end of their Bounty The Examples are very rare wherin any Prince vpon noe stronger inducement hath been willing to divest himselfe of soe much of his soverainty. It is well knowne what his Majesty now Reigning doth claime, nor is it likely he should soe easily forgett what we ourselves have acknowledged in our Addresses to him of dread soveraigne, Loyall subjects etc it would seem very absurd and Irrationall for any one to challenge such a legacy in a testament because it is either there or at least was intended to be there is there not as little reason to challenge a Privilege not expressed in a charter because the granters intended such a favor should be Allowed them therin: But as to the other Branch of the objection it must be replied that noe indirect Course must be taken to secure either sacred or civill Priviledges and liberties, seing that

its never lawfull to doe evill that good may come thereof, and iff those that were in the place of supream Athoritie should manifest them selves less favourable to the growth and Progress of true religion the matter is to be left to god we have discharged our duty after we have improved all just and lawfull endeavors for soe good an end, for we have noe warrant to denie the Jurisdiction and Athoritie of them whom Providence hath invested therewith vpon a supposition that wee could better manage it or disperse it in to hands where it might be better improved to the advantage of Religion or the good of the subjects, it will never be owned to be a regular way of giving vnto god the things that are gods by taking away from Cesar the things that are Cesars, for soe by a Jesuiticall distinction of (*in ordine ad*) the force of all Civill Athoritie might come to be eluded the sad Trajedges acted in the vpper and lower Germanie by the instigation of Thos: Münzerus, John of leyden and knipperdolling may sufficiently caution succeeding Ages not to Appose the Civill Athoritie vpon any such like Pretences.

zly its objected by some that the People of the Massachusetts ought to be exempted from any Jurisdiction besides their own because they are at soe great a distance and that there can be noe lawfull summons to call them to Answer in England because the common law is included within the four seas and therefore noe writ of Justice or civill Power can reach to any forreigne place. To which its replied that its great Pitty the King should loose a Province for want of a law to govern it. But the truth is some are willing to please them selves with shewes in stead of solid reasons. A King may have several provinces and distinct kingdomes vnder his Jurisdiction all which may be governed by their nationall and distinct lawes yet hath their soveraigne equall Jurisdiction over them all and a compleat right to govern them, though not by one and the same law, the subjects of the King in Scotland have a Parliament and lawes and Customs of their own the King of England as such cannot command them out of Scotland nor ought he to Judge them for any offence committed against him as he is King of Scotland by the common or statute law of England, yet nevertheless he would be adjudged vnskilled in law and Reason also that should say that the King of England cannot by law require any of his subjects in Scotland or Ireland to appear before him in England and there answer for any offence against his soveraignty and Jurisdiction. in generall if the Massachusetts had been a distinct kingdom or state yet while the King of England is there King they owe obedience and subjection to him and are bound to repair to his Prescence into what part of his Dominion soever he should send for them for such an end the Massachusetts have liberty to make

lawes of their own and not sending Burgesses to the Parliament of England they ought not to be vnder the lawes that are made there, nor to be judged by them (say some) but by their common lawes: It would have some weight had this countrey been ever erected into a distinct kingdome or Government of itselfe, but being a Colonie of naturall English subjects it may be doubted whether they are not included in the legislative Power of the Parliament of England but iff it should be granted that so they be not the objection would not be of any force to conclude the negative of the Question, for as much as still the King within whose Dominions the Massachusetts are seated would require subjection to his Athoritie and Jurisdiction as King, and the denyall of it would be *crimen laesae majestatis*. It is noe matter by what law he would judge, whether the lawes of force in England or in the Massachusetts his right of Jurisdiction must needs be acknowledged absolute and intyre over all his subjects here as well as in other of his Dominions.

3ly in the next place it is usually Alleaged that they are exempted and freed from all duties and services except the payment of the 5th part of Royall oare holding as of the maner of east greenwich in free and common socage. To this its by others replied that both the King and many other lords and Gentlemen in England have many such Tennants yet are not the King's tennants freed therby from the duty of subjects, but only from such services as by other tenures they would be lyable vnto, its one thing to be a tennant to the King in this or that sort of tenures according to Ancient Custome peculiar to severall persons and another to be subjects to the King which is common to all that are settled in any of his Dominions and soe are equally vnder his Jurisdiction, be they naturall subjects by descent or necisary subjects by force of Armes and Constraint, or voluntary subjects by coñsent or agreement iff any please themselves with such a distribution it comes all to one pass, because though obligation be stronger in one sort of subject then in an other yet the duty of obedience and subjection is equall to all that are soe related to a King as his subjects, the Massachusetts owe the 5th part of gold and silver oare to Charles Stuart as their landlord and lord of east greenwich, and not as King of England and who-soever were lord of east greenwich as one was lately reported to be would justly claime the 5th part of the said oare in the Massachusetts though he were not King of England and the King of England iff he exchange the manor of east Greenwich for some other would yet claime a right of Jurisdiction over the Massachusetts and find expressions enough in the pattent relating to him as soveraine as well as the other relating to him as landlord which will fully enough and sufficiently warrant his claime, as those of Protection

and Aleagiance allready mentioned proper only to King and subjects and never claimed by land lords as such from their tennants of any sort whatsoever: It would puzzle all the logicians lawyers and divines in Europe to find under what tropick to place such kind of subjects as will allow none to have jurisdiction over them.

4ly The objection which in the next place offers itselfe to Consideration is the liberty of making lawes with full and absolute Power to govern the People here religiously. This might have proved a dangerous obstruction to the King's soveraignty iff it had not been prevented by the restriction going along therewithall as in part hath been declared already; that there is a Power of government granted is beyond exception but it is yet to prove that the King in granting that Power hath divested himselfe of any parte of his soveraigne Athority over his subjects. Kings cannot be present in all parts of their dominions and therefore had need of ministers and deputies to officiate vnder them, and by virtue of their Athority in Appointing such they doe not divide their kingdomes or set vp other kings though they communicate their Power they doe it cumulative not privative as the schooles speake they never abdicate their power from themselves: The King may in any Corporation or City in his Dominions where he comes exercise all the Authoritie of the Governor of the place, he may and in case ought to call to account and take notice of the complaints against his ministers or deputies, and releive any of his subjects that are oppressed by them by their abusing his Athoritie, otherwise how could the King scatter away all evill [with his eyes ¹] from his throne or be a terror to the wicked which are essential to his office, as was well Answered by an old woman to the King of Macedon that iff he were not at leysure to doe her justice he should not be at leysure to be King, Absolute power doth not intend soveraigne or independant Power but such a degree of Power in Governing as needeth noe further Addition of athoritie to exert itselfe but may by what Athoritie is derived to it exercise and exert a compleat act of government soe as it is not in the liberty of the governed to hinder the perfecting of his act, by which perhaps or not at all Appeales from our highest Courts may be cut off least other wise perchance the remedye may prove worse then the disease: but what followes from thence such a Power may be necessary for the well ordering the government of the place least the life of Justice should be extinguished by an overlong suspension or retarding its execution. but the right of Jurisdiction in a soveraigne canot therby be denied vnless on should denie the King a right to hear petitions and the Complaints of those that may be oppressed and to relieve them which is so inseparable

¹ These words are struck out.

to his office (saith one) that he cannot by any edict prohibitt the same from some Courts in England as well as in other kingdomes there lies noe Appeal strickly which should inhibitt the execution after sentence given Especially in Criminall Cases: yet even in those there may be Adress made to the praerogative of the Supream Power, the deniall of which in some cases would convert *jus in summam injuriam* as the Proverb is, iff the Interposition of the People had not affoorded a sanctuary and seat of mercy to Johnathan after the rigorous sentence of Saul to prevent the Execution his life had been cutt of with great injustice: there may be the like Reason in others who might else be made a sacrifice to the rage of unreasonable men vpon a pretence of law and Justice, but in Civill actions appeales are very ordinary and in England they may in some Cases run on from lower Courts of Justice vntill they come to the Lords of the Parliament: but that they should in a kind of retrograde motion be brought back from the highest Courts of Justice to be determined in a mixt Assembly by the Plurality of Voyces; the cheiffe Rulers voting confusedly with the delegates of the People seems very irrationall, against nature and the Practice of nations in all Ages of the world the Instance before given about Saul and Johnathan was an Extraordinary Case and soe not fitt to be made Pressidental; when things are taken from the Senate and brought back to the People its the ruine of the Common wealth saith Bodin: many societies and Corporations have Power to make orders and lawes yet the King may and frequently hath called the Judges to account and Punished them for their vnrighteous Administration; nor ever did any Corporation (And soe is the Governor and Comp[any] of the Massachusetts sometymes styled in the Pattent) continuing in its Alleageance dispute or question their King's Athoritie over them, Corporations and families are related to a kingdome or Common wealth as the parts to the wholl in the one there is a Community Civill as there is in the other a Community naturall and many such Communityes Allied together and combined vnder a soveraigne Power make one Kingdome or Common wealth it is made by some the specifickall difference of a Corporation that it is a lawfull Community or society vnder a soveraigne Power and that nothing can be ordained by them contrary to the statutes established by the supreame Authoritie soe as their ordenances cannot be repugnant or contrary to the lawes and ordenances of the supream Power vnder whom they are combined and as Bodin saith for as much as rebellious and seditious (which are vsually Punished in Corporations by the loss of their Priviledges) are suposed to be done by the wholl when the greater part consent, it is to be vnderstood that the decree for the doing thereof was made in their Com-

mon Assembly in which Case the wholl is lyable to be punished though a great number in particular did not consent In the Spanish Judges which continue in their Alleageance and subjection to the King of Spaine some governments have Power of making Lawes and ordenances; and saith my Author there are in the severall Provinces ten cheiff Courts from which there lyeth noe appeale in matter of Justice though there doth in matter of state and Point of greivance to the King who takes order therein soe that all that is granted in this clause of the Pattent may be and is dayly Practised without any diminution of the King's right of Jurisdiction (yet it were to be wished that some things which seeme necisarie for good government were more expressly and in termes set downe in the Pattent then can be found there) iff any inferr from thence that whatever is necisary for the best advantage of Government either was intended or ought to be granted there and we may saffely and warrantably soe Practice, that as some conceive will not be easily granted espeacially in Prejudice of the soveraigne Power. It will not be admitted as sound doctrine in Pollicie that the subjects and inferior should prescribe to the superior that were to invert the very order of nature and to make the governors to be the governed. the family will be ill governed where the children shall vsurp vpon their Parents right and expect their Parents should grant them every thing they think they have need off or may be vsefull for them.

gly It is also pleaded that liberty is graunted in the Pattent to defend ours Against any that shall goe about to Anoy vs or seeke our detriment: that liberty its treu is founded on the very law of nature yet is it necisary it should be determined as to perticulers and expressed, for else without Commission from a soveraigne Power or orderly Combination in a free People it might be looked vpon as Piracie or disturbance of the Publique Peace to take vp necesary armes, but how this should be intended or Interpreted by Armes to apose resist the King's Athoritie can never enter into the minds of sober men. It is not necessary here to treat whither it be lawfull to resist soveraigne Athority that this clause hath any such meaning no knowing man can imagine it referring only vnto strangers and that but in an after clause in case of difference between the King and his subjects here praescribing a Rationall way for the Issuing there off which surely is more agreable to reason then force.

gly That which falls next vnder consideration is the security granted for any act done by the pattent an exemplification wheroff is said to be a sufficient discharge against the King his heirs or successors to which the Answer is given, that as it is saffe for vs that the Pattent should secure vs from danger of law or the Kings displeasure soe it doth not in the least derogate from the Kings right

of Jurisdiction over his subjects whose honor it is (as will be easily granted) to preserve vnto them all the priuiledges granted in his royall Charter; nor is it any dishonor to Assert his owne right of Empire over them both which may very well consist notwithstanding the objections of the different minded to the controversy iff it had never been expressed in the Pattent the most soveraigne prince in a royall monarchy being obliged to attend to the law as his rule of government that law (which in the treu extent and meaning of it is *salus populi*) had been a sufficient Bulwarke against the exorbitancy of praerogative or absolute will in the Ruler and that which is in termes expressed doth but explicitly declare what every christian Prince is implicitly obliged vpon his entring vpon the seate of government to maintaine and cannot but owne himselfe soe to be (Although such be the swelling nature of mans Ambition that it needeth ofttymes the strongest repugula to restraine it, soe farr as reason will allow) but certaine it is noe less *praeter intentionem quam rationem* to force out of such a clause any such Conclusion as should debarr a prince from calling his subjects to an account in case for therby he should be deprived of the sword of Justice, with which he is girded by God himselfe, or have his hands bound vp from being able either to maintaine his own right or releive other of his subjects oppressed by their vnrighteous neighbors both which were vnsufferable vsurpation and injustice.

7ly That which I have heard in the last place objected (which although it be the least insisted on in open veiw, yet is it not suposed to have the least influence on their minds that are soe strongly engaged on the negative) is the danger they fear would arise to the inhabitants of the Massachusetts should they be necessitated to own their dependance vpon the King soe farr as to acknowledge his right of Jurisdiction over them: For Answer to this grand scruple I have heard it said first in Generall that fear and Jealousy are observed alwaies to be the worst Councillors that can be advised withall in exigents attended with difficulties or danger: for as the philosopher speaks by sugesting dark and terrible events they often tymes dark the eyes of reason and Judgment and sometymes by an over Curious discovery of vnlawfullness in some of the soccors presented by reason of insufficiency or difficulty in others, or else submitting of them to the false interpretation of a crooked and praejudicate suspition, either none are made vse of or those that are most vnable to releive whence it is that men vnder the Power of those reasonless and hurtfull Passions doe frequently betray themselves into the hands of these misscheiffs and dangers they would most of all shun and avoid whereas those who are led by the Conduct of true reason are neither willing to flatter themselves into

a careless security on the one hand nor yet to distract themselves on the other hand with groundless fancies and surmises as to decline the paths of righteousness which only will in the Issue lead to quietness and safety. But more peticularly it is as truly affirmed that feared inconveniences and dangers may not denie another mans right much less the Kings: we may not admitt of the least morall Evill to provide for the greatest Civill good, where God hath made subjection a Positive duty man may not dispence with obedience vpon the pretence of danger or inconvenience If the supream sovereigne of the world hath admitted an heathen Prince to pitch his royall Pavillion amongst the tents of Judah as well as Egipt, Zedekiah will be called to an account as a faithless Person for breaking the oath of god. Kings hearts are in the hands of god and soe are their scepters to be extended or continued at his pleasure, he settis vp whom he pleaseth nor is any man to be denied his right because it is suposed or feared he will abuse it the best of kings have abused their power as well as the worst of which they shall give an account to god in his owne tyme and way who is as well king of kings as lord of lords In the mean tyme their acts are valid before men however they may be vnrighteous before god. Thou and Ziba devide the land was an enormous yet a valid sentence. Nero though a persecuting tyrant yet must be obeyed for Conscience sake not against god but in all things wherein he hath right to command Calvins opinion may in this case be of vse Inst. lib. 4 cap. 20. sec. 25 but if we look to the word of god it will lead vs further, that we be subject not only to the government of those Princes which execute their office towards vs well and with such faithfullness as they ought but also of all them who by what means soever have the dominion over vs allthough they performe nothing less then that which pertaines to the Duty of Princes and in the end of the same section let vs rather insist on the proving that which doth not soe easily enter into the minds of men that that eminent and divine Power which god hath by his word conferred on the ministers of his righteousness and Judgment may reside in the vilest Person and most vnworthy of all honor iff soe be he have the Publique Athoratie in his Possession and that he ought therefore to be had in as great reverence and esteeme of his subjects so farr as concerns Publikks obedience as well as the best of kings you may see more to the same Purpose in 3 or 4 sections of that chapter but to Prevent their fear of the worst in this kind they may make vse of the Confidence of a great divine whose worth and ability is sufficiently knowne and admired by them of the contrary Perswasion in this Question in his Answer to fiat lux pag. 434 where speaking of turning to Poperie he saith it is evident which way the generall vogue in England will

goe and that at least till fyre and faggott come which (Blessed be god) we are secured from whilst our present soveraigne swaies the scepter of the land and hope our Posterity may be soe vnder his offspring for many generations.¹

Thus, Sir, I have endeavored your satisfaction by presenting to your view the reasons Pro and con wherwith I have heard this question often discust. I durst not adventure to anticipate the Eminency of your owne Judgment in making the Conclusion nor shall I detain you longer then in Perusing a few directions of my own observation if any should yet hesitate and cannot come to a resolution either way in Point of right, let them first attend to the rules of scripture Rom. 13. 1, 2. *et sequ:* 1 Pet. 2. 13. *et sequ* with Prov. 16. 14. Ecl. 8. 2, 3, 4. 2ly. let them take notice of the rules of Prudence which will sugest many Considerations of inevitable Danger and evill that will attend the denyall of the Kings right of Jurisdiction here; obvious to the weakest Capacity: with good Conscience may a man in case part with his own right skin for skin and all that a man hath will he give for his life, was an old Proverb yet noe man can take away anothers right without breach of a rule, it will not be amiss sometymes to make a virtue of necessity as it hapened to Micah whose necessity gave him so much Prudence as with silence to put vp that Injury which with great heat at first he seemed forward enough to withstand before he weighed the inconvenience of falling into the hands of Angry fellowes to the loss of his own and his households lives. but iff such as went about to spoyle him of his Imaginary Dyety (with which he accounted himselfe soe priviledged but a little before had been armed with the Authoratie of the nation to which he belonged doubtless his destruction had been the more to be questioned seing he might have supplied himselfe with gods of another mettell at a cheaper rate then the loss of all he had and ruine of his family iff he could have promised to himself any security by the prescence of such Protectors as he falsly supposed. Lastly let them but consult the experience and Practice of the church of god in all ages from the Primative tymes to the dayes wherin wee live,

¹ This may give some clue to the date of the paper. In 1661, Vincent Canes, a Franciscan friar, published *Fiat Lux, or, a general Conduct to a right Understanding in the great Combustions and Broils about Religion here in England betwixt Papist and Protestant, Presbyterian and Independent*. Dr. John Owen (1616-1683) wrote in reply *Animadversions* on the *Fiat Lux*, printed anonymously in London in 1662. This called out an *Epistle to the Authour of the Animadversions upon Fiat Lux* from Canes, and a *Vindication* from Owen. Canes' first work, *Fiat Lux*, was also answered by Samuel Mather, in *A Defence of the Protestant Religion*, Dublin, 1671. On the death of John Norton the General Court of Massachusetts invited Dr. Owen to remove to the Colony. The letter is in 2 *Mass. Hist. Collections*, II. 265.

within the Compass of which memorable and solemn Instances may be given to shew how vnsaffe and dangerous it is for subjects either to resist or stand vpon too high termes with them whom Providence hath exalted to the place of supream Authority over them vpon a Pretence or hope of securing themselves by the way of externall force.

THE LIBERTY OF RELIGION OR OTHER CIVILL PRIVILEGES.

Amongst many sad Examples let them record those two the more remarkable because within the ken of our own knowledge or remembrance the first is that of the Bohemians reported vnder the Authoraty of Comenis¹ their last Bishop whose destiny it was as by his dolefull hystorie of those things appears to close the eyes of the Dying Protestant interest in that nation the originall of their last sad and miserable fate was this as he relates it. the People vpon some vnjust taxations thinking them selves necessitated to take vp Armes for their defence became lyable thereby to be Prosecuted by the Civill Authoraty for Rebellion against the soveraigne and so were easily throwne downe head long into such a Presipis of misery and Confusion that they were never able to recover themselves thence vntell they had brought inevitable ruine vpon themselves and theyre whole party. the other is that of the reformed churches in france of not much above fourty yeares standing who being drawn in by force of Armes to oppose the demand of the soveraigne Power in some things Pertaining to the militia vpon a Jealousy and Apprehention that by yielding therevnto they were like to be vndermined in the lyberty of their religion by that injustifiable to be sure vnsurpassfull resistance of theirs it came to pass that not only the wholl nation was put in to a dreadfull Combustion which soon brake forth into an open Civill warr that could not be quenched till not only the Prince and flower of the Nobility and Gentry on both sides were cutt off but themselves forced to resigne vp all their Cautionary Townes and strongholds to the number of ninety three and were forced after all to make their submission on their knees craving Pardon for resisting the King's Power, humbly acknowledging also that the Jealousy they had of having the liberty of their Conscience taken away by the spreading of false rumors amongst them had plunged them into those miseries.

The fatall Consequences of the late transaction in the Ile of Wight might not impertently be aleaged vpon this occasion Did not according to the saing of a late historian the following modern

¹ Johann Amos Comenius (1592-1671). The reference is probably to his *Historia Persecutionum Ecclesiae Bohemicae* (1648).

Truth too hard at the heeles endanger the sticking out of the teeth of the Pursuers.

Vpon these and such like Considerations some intelligent Persons in the Massachusetts doe believe that although at present Interest or Passion may prevaile with some men to opose moderate Councells and Endeavors yet iff it should come to a pinch they would with Bellarmine, who in his life had taught the doctrine of mens merit, yet at his death concluded it the saffest way to trust to the merit of Christ. Although men may a while dispute against the Kings Authority and stand vpon their own right, they may in a little tyme crave his mercy and Clemency seing against a King there is no rising vp. Sir, you see I have much exeded the bounds of a letter as well as my own intentions out of an earnest desire of your satisfaction that makes me Ambitious to serve you. The Confident hope of your favorable acceptance of my Endeavors therin doth sufficiently secure me against the severity of that Censure which otherwise the Imperfection of my work might deserve thus in the multitude of Hurryes and distractions I take leave and remaine yours soe long as men may be their own

A prudent man foresees the evill and hideth himselfe the simple pass on etc Prov: 22. 3

The wrath of a King is as the messenger of death but a wise man will pacifie it. Prov: 16. 14.

Remarks were made during the meeting by Messrs. SANBORN and WENDELL.